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**UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF
CALIFORNIA- WESTERN DIVISION**

BALDWIN PARK FREE SPEECH
COALITION, et al.,

Plaintiffs,

vs.

CITY OF BALDWIN PARK,
Defendant.

Case No.: 2:19-cv-09864- CAS -E

DECLARATION OF ROBERT
EHLERS IN SUPPORT OF
PRELIMINARY INJUNCTION

Date: February 3, 2020

Time: 10:00 a.m.

Ctrm: 8D

Action Filed: Nov. 18, 2019

DECLARATION OF ROBERT EHLERS

I, Robert Ehlers, declare as follows:

1. This declaration is submitted in support of Plaintiff's motion for preliminary injunction. The facts set forth herein are within my personal knowledge. If called as a witness, I could and would testify to the same.

BACKGROUND OF THIS LAWSUIT

2. I am a business owner of the commercial property located on Puente Ave. and Ramona Blvd. This property is zoned for industrial-commercial purposes.
3. I am also a participant in the Plaintiff Baldwin Park Free Speech Coalition.
4. In mid-March 2019, I learned of a newspaper report concerning a jury verdict of \$7 million based on a finding that Council Member, Ricardo Pacheco ("Pacheco") discriminated against Baldwin Park's former Chief of Police.
5. A few months ago, I learned of a story in the San Gabriel Valley Tribune alleging a number of acts of corruption involving Pacheco, including use of a public agency credit card at strip clubs.
6. After reading these stories, on or about March 17, 2019, I hung two identical banners on the South and West wall of the building identified in Paragraph 2. The banners caricaturize Pacheco as a jackass and label him a "liar", "bully," "fraud", "abuser" and "corrupt". Below those words, my banners state, "DO NOT VOTE COUNCIL MEMBER RICARDO PACHECO". Exhibit 1.
7. Because my property has a fair amount of traffic, I want members of the public to see my personal belief regarding Pacheco's corruption. I hope that he will be voted out of office for the city council elections in November of 2020. I believe that public debate on such issues may take a long time to build, as is occurring with the national presidency campaign.

HISTORY OF CITY CITATIONS, TAX LIENS, AND DEBT COLLECTION

- 1 8. The City has issued multiple notices of fines, tax liens and now debt collection
2 for the fines imposed for alleged violations of the City's sign ordinance. The
3 total fines now exceed \$12,000.
- 4 9. True and correct copies of each of the notices received by me or my father are
5 attached at Exhibit 2. The first notice was received on April 17, 2019, the City
6 issued the first notice of violation for the signs at our property. The notice
7 issued under BPMC 153.170.060 ("temporary sign ordinance"). Subsequently,
8 on May 2, 2019, the City sent an additional notice and increased the fine to
9 \$200.
- 10 10. On May 23, 2019, the City issued a "2nd Failure to Comply Notice.
- 11 11. On June 4, 2019, the City imposed an additional fine of \$200 with an "Official
12 Notice of Delinquent Administrative Citation."
- 13 12. On June 7, 2019, the City imposed a fine of \$1000 with a "3rd Administrative
14 Citation."
- 15 13. On June 24, 2019 -through my counsel, I made a request to the City Council,
16 Mayor and City Manager to dismiss the citations or provide an administrative
17 hearing. A day later, the City fined me another \$400 with an "Official Notice of
18 Delinquent Administrative Citation."
- 19 14. On July 31, 2019, the City denied my request for an administrative hearing for
20 failure to pay a "deposit" to obtain an administrative hearing
- 21 15. On August 9, 2019, the City fined me another \$200 and threatened a lien on the
22 property through the Franchise Tax Board with an "Official Tax Offset Notice
23 Administrative Citation(s)".
- 24 16. On September 10, 2019, the City fined me \$2,000 with a "5th Administrative
25 Citation".
- 26 17. On September 24, 2019, the City fined me \$2,000 with a "6th Administrative
27 Citation".
- 28

1 18. On October 1, 2019, the City again fined another \$2,000, and again stated that
 2 if all the fines were not paid, a lien would be placed on the property through the
 3 Franchise Tax Board "Official Tax Offset Notice Administrative Citation(s)"
 4 and "Official Tax Offset Notice Administrative Citation(s)".

5 19. Just three weeks later, on October 21, 2019, the City again issued a fine of
 6 \$2,000 with an "Official Notice of Delinquent Administrative Citations".

7 20. On November 1, 2019, the City sent a "Notice of Delinquent Administrative
 8 Citations" for an unpaid fine of \$2,000.

9 21. I have not received notice that, on November 20, 2019, the City assigned \$200
 10 to a collection agency, with a letter titled "Notice of Delinquent Administrative
 11 Citation Penalties."

12 22. On December 3, 2019, the City again issued a notice of a \$2,000 fine, and again
 13 stated that if all the fines are not paid, a lien would be placed on the property
 14 through the Franchise Tax Board "Official Tax Offset Notice Administrative
 15 Citation(s)" and "Official Tax Offset Notice Administrative Citation(s)".

16 **NON-CONFORMING SIGNS EXIST THROUGHOUT THE CITY**

17 23. At the time I put up banners on our property, I was aware of permanent banners
 18 and signs displayed throughout the City which did not appear to conform to the
 19 sign ordinance. Attached to my declaration at Exhibits 3-17 are some of the
 20 non-conforming signs I observed recently in the City. Some are larger than the
 21 signs on our building and some have been displayed for long periods of time,
 22 contrary to the time restrictions for "temporary" signs.

23 **OVERSIZED SIGNS**

24 24. Only six feet away from my Pacheco-banner, two static billboards
 25 approximately the size of 20' x 10' exist. This is about two and a half times the
 26 size of my banners. One billboard advertises Modelo beer. (Ex. 3). The other
 27 one advertises an accident lawyer. (Ex. 4).
 28

1 25.About 0.6 miles away from my Pacheco-banner, at 14514 Ramona Blvd., a
2 Frontier FIOS temporary banner exists, which is about over 40' x 10'. This is
3 about five times the size of our sign. (Ex. 5) I have observed this banner up for
4 approximately two years.

5 26.About 0.7 miles away from our property at 14401 Ramona Blvd, is a temporary
6 banner sign by Plaza Park on Maine. The sign reads "FREE CRAFT EVENT".
7 This sign is about 21' x 4.5'. This is a little larger in area than the sign I display.
8 (Ex. 6)

9 27.About 1.8 miles away from our property, a temporary banner is displayed at
10 Frank's market – which states, "WE CASH ALL TYPE OF COMMERCIAL
11 CHECKS". The message is also translated in Spanish. (Ex. 7). This sign is
12 about 12' x 6', which is about the same square footage as our sign...

13 28.About 2.7 miles away from our property , at Baldwin Park Blvd. & Dalewood
14 St., theirs is a temporary banner for "JP Automotive.". This banner has been
15 hanging there for at least five months. This sign is about 12' x 4'. (Ex. 8)

16 29.About 2.9 miles away from our location, off the 10 East Baldwin Park Blvd-
17 exit, there is a temporary banner for "NICHOLS LUMBER". The sign is about
18 19.5' x 9.5'. This is over twice the square footage of our sign. (Ex. 9)

19 30.About 3 miles away from our property, off the 10 East Frazier St. exit, there are
20 two billboards advertising Morengo Casino and Fantasy Spring Casino. (Ex.
21 10)

22 31.According to the City's executive report¹, these billboards are 672 square feet.
23 Hence, these billboards are about eight times the size of the temporary banners
24 displayed on our building.

25
26 ¹ [https://www.baldwinpark.com/docssidemenu/community-](https://www.baldwinpark.com/docssidemenu/community-development/planning/environmental-documents/digital-billboards-is-mnd-final/969-blpk-003-digital-sign-ordinance-executive-summary-september-12-2016/file)
27 [development/planning/environmental-documents/digital-billboards-is-mnd-final/969-](https://www.baldwinpark.com/docssidemenu/community-development/planning/environmental-documents/digital-billboards-is-mnd-final/969-blpk-003-digital-sign-ordinance-executive-summary-september-12-2016/file)
28 [blpk-003-digital-sign-ordinance-executive-summary-september-12-2016/file](https://www.baldwinpark.com/docssidemenu/community-development/planning/environmental-documents/digital-billboards-is-mnd-final/969-blpk-003-digital-sign-ordinance-executive-summary-september-12-2016/file)

SIGNS DISPLAYED LONGER THAN 3 MONTHS

32. For at least five months plus, at about .8 miles from my building, at 14361 Ramona Blvd, Baldwin Park, CA 91706, at the Baldwin Park Medical Center, I have observed a “temporary” sign re: “FOR LEASE & SALE CBRE”. (Ex. 11).

33. For more than five months, I observed a “grand opening” sign displayed on the property at 14334 Ramona Blvd, announcing the grand opening of an insurance company. (Ex. 12)

34. For more than five months, a banner has been affixed on the building at 4220 Ramona Blvd 14334 Ramona Blvd, by the business located there. It states: “WE’RE MOVING”. (Ex. 13).

35. For at least five months, at 1.2 miles away, at 3883 Baldwin Park Blvd., the local Catholic church, St. John, has displayed a temporary banner advertising Bingo every Friday night. (Ex. 14).

MORE THAN ONE BANNER PER PROPERTY

36. There are five signs on one property about 1 to 1.5 miles away from me, at 4390 Maine Ave., at the Altadena Dairy. They advertise Rockstar energy drinks, Gatorade, Pepsi, and two signs for the California lottery. (Ex. 15).

37. There are two temporary banners about 0.7 miles away, at 7-Eleven, at 3705 Puente Ave, Baldwin Park, CA 91706. One banner states: “BUDWEISER OR BUD LIGHT CHEAPEST PRICE IN TOWN!” the other states, Teca-Lite (a beer) is \$12.99 for 18 pack can. (Ex. 16).

38. There are two temporary banners at the 7-Eleven, at 14101 Francisquito Ave. One banner advertises a “12 pack can” at “\$8.99”. (Ex. 17); the other one says: “WE ACCEPT EBT”. (Ex. 18).

39. I want to be able to communicate my views to the public from the property my family owns in Baldwin Park. As the City’s sign ordinance is now written, I cannot communicate my political speech on issues of central concern to the

1 community, including repeated allegations of corruption by elected officials.

2 The sign ordinance requires me to get a permit, tell the City what I want to say,
3 and pay a permit fee. I would not have to do any of this if I wanted to put up a
4 “permanent” sign on our building advertising the business.

5 40. Moreover, the City ordinance restricts how much I can speak by a sign on our
6 property. I am can only speak four times a year for a maximum period of 30
7 consecutive days each time. This restriction does not allow me to communicate
8 my beliefs and views, which are continuous and ongoing. For instance,
9 according to recent news², Pacheco was fired from his former employment at
10 the West Valley Water Board, allegedly for charging his ratepayer credit card
11 for expenses at a strip club. He is still a Baldwin Park Council Member.

12 41. I want to display my banner as long as Pacheco is appearing in the news for
13 alleged corrupt acts or until he is voted out.

14 42. Also, the city ordinance’s time restriction on how long banners can be
15 displayed, does not allow me to react in a timely fashion to events as they
16 occur. The issues around our elected officials have been occurring for several
17 years. In addition to news reports about corruption at the Water District, there
18 was a multi-million jury verdict in a discrimination case concerning the former
19 police chief. Pacheco, Baldwin Park’s current city attorney, and the former
20 Baldwin Park police chief have also been sued on various grounds of corruption
21 in a whistleblower lawsuit, which is ongoing. I want to be able to speak with
22 banners on these and other issues as they arise in our City.

23 43. My family and I are distressed at the possibility that a tax lien could be placed
24 on our property and that at least one fine was sent to collection. This adversely
25 impacts our credit.

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27 ² [https://www.sbsun.com/2019/11/08/baldwin-park-councilman-pushed-out-of-](https://www.sbsun.com/2019/11/08/baldwin-park-councilman-pushed-out-of-embattled-rialto-water-district-after-6-month-paid-leave/)
28 [embattled-rialto-water-district-after-6-month-paid-leave/](https://www.sbsun.com/2019/11/08/baldwin-park-councilman-pushed-out-of-embattled-rialto-water-district-after-6-month-paid-leave/)

1 44. More seriously, the City recently charged my elderly father, Albert Ehlers, with
2 a misdemeanor for violating the sign ordinance because we would not agree to
3 submit to what we believe is an unconstitutional restriction on our First
4 Amendment rights. The Albert Ehlers Family Trust is the legal name on the
5 property ownership.
6

7 I declare under penalty of perjury under the laws of the United States that the forgoing
8 is true and correct. Executed on the 29 of December, 2019 at Baldwin Park,
9 California.
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12 Robert Ehlers
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